

SENTENCE DATA SHEET

DEFENDANT: Freddy Montes

CRIMINAL NO.: H-4:17-cr-00651-1

**DEFENDANT'S
IMMIGRATION
STATUS:**

United States Citizen

GUILTY PLEA: Count 1: Conspiracy to Engage in Sex Trafficking by Means of Force, Threats, Fraud, or Coercion, in violation of Title 18, United States Code, Sections 1594(c) and 1591(a).
Count 29: Possession with the Intent to Distribute at least 50 grams of Methamphetamines, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(viii).

**SUBSTANCE
OF PLEA**

AGREEMENT: Pursuant to Federal Rules of Criminal Procedure 11(c)(1)(A) & (B), the defendant agrees to plead guilty to counts 1 and 29 of the indictment. In exchange, the United States will not oppose the defendant's request for acceptance of responsibility and will file a motion for a downward departure at the time of sentencing if it determines that the defendant provided the United States with substantial assistance. The United States will also dismiss the remaining counts against this Defendant at the time of sentencing. The defendant also waives his right to appeal and to collaterally attack his conviction.

COUNT 1: Conspiracy to Engage in Sex Trafficking by Means of Force, Threats, Fraud, or Coercion, in violation of Title 18, United States Code, Sections 1594(c) and 1591(a).

ELEMENTS: Conspiracy to Engage in Sex Trafficking by Means of Force, Threats, Fraud, or Coercion

1. That the defendant and at least one other person agreed to commit the crime of sex trafficking by means of force, threats, fraud or coercion, as charged in the indictment and described in elements 4 through 6;
2. That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose;
3. That at least one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy;
4. That the defendant or a member of the conspiracy knowingly recruited, enticed, harbored, transported, provided, obtained, and maintained by any means EMR and AP;
5. That the defendant or a member of the conspiracy committed such act

knowing or in reckless disregard of the fact that means of force, threats of force, fraud coercion, or any combination of such means, would be used to cause the person to engage in a commercial sex act; and

6. That the conspirators' acts were in or affected interstate or foreign commerce.

PENALTY: Imprisonment of not less than a term of years of imprisonment and not more than life and a fine not to exceed \$250,000.

COUNT 29: Count 29: Possession with the Intent to Distribute at least 50 grams of Methamphetamines, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(viii).

ELEMENTS: Possession with the intent to distribute at least 50 grams of methamphetamines

1. That the person knowingly possessed a controlled substance;
2. That the substance was in fact methamphetamine;
3. That the person possessed the substance with the intent to distribute it; and
4. That the quantity of the substance was at least 50 grams

PENALTY: Imprisonment of not less than 10 years and not more than life imprisonment and a fine of not more than \$10,000,000.00.

**ALTERNATIVE
FINE BASED ON
GAIN OR LOSS:** Not applicable.

**SENTENCING
GUIDELINES:** Advisory.

**SUPERVISED
RELEASE:** Applicable and a minimum of five years and a maximum of life (18 U.S.C. § 3583).

**SPECIAL
ASSESSMENT:** \$100 per count of conviction (18 U.S.C. § 3013). In addition, pursuant to Title 18, United States Code, Section 3014, should the Court determine that Defendant is not indigent, Defendant would also have to pay to the Clerk of the United States District Court a special assessment in the amount of five thousand dollars (\$5,000.00) for a conviction for Count 1.

ATTACHMENT: Plea Agreement